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4 NOAM EISEN, et al.,

5 Plaintiffs,

6 v.

7 EMILY DAY,

8 Defendant.

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11 AND RELATED COUNTERCLAIMS  
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14 Case No. 21-cv-05349-VKD

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19 **ORDER TO SHOW CAUSE RE  
VIOLATION OF ADR LOCAL RULE  
7-4**

20 Re: Dkt. No. 108

21 On November 15, 2023, plaintiff and counter-defendant Noam Eisen filed an opposition  
22 (Dkt. No. 108) to defendant and counter-claimant Emily Day's motion for leave to file an  
23 amended complaint (Dkt. No. 106). Mr. Eisen's opposition includes representations regarding the  
24 parties' communications and positions during settlement conferences with Magistrate Judge  
25 Beeler to which Ms. Day objects. *See* Dkt. No. 108 at 4; Dkt. No. 108-1 ¶ 7; Dkt. No. 109 at 2.

26 ADR Local Rule 7-4 requires parties and counsel to treat information exchanged during  
27 settlement conferences as confidential and to refrain from disclosing this information to the  
28 assigned judge, subject to certain exceptions. *See ADR L.R. 7-4; Shields v. Fed'n Internationale  
De Natation*, No. 18-CV-07393-JSC, 2022 WL 298575, at \*2-3 (N.D. Cal. Feb. 1, 2022).  
Accordingly, Mr. Eisen is ordered to show cause why the Court should not impose monetary or  
other sanctions against him and/or his counsel for disclosing confidential information in violation  
of ADR Local Rule 7-4. A written response to this Order must be filed by **December 8, 2023**.  
The Court will hold a hearing on this Order to Show Cause on **December 19, 2023 at 10:00 a.m.**  
in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California 95113.

1 **IT IS SO ORDERED.**  
2 Dated: November 29, 2023  
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VIRGINIA K. DEMARCHI  
United States Magistrate Judge